
From: Renee [mailto:Renee@scottbutz.com]
Sent: Friday, April 13, 2007 10:19 AM
To: DiBianca, Margaret
Subject:

Ms. DiBianca:

This email is in response to your latest email.

You stated the Paragraph #1 text is missing. As I am pro se, it would be nice to receive a little more detail then just "missing text missing in Paragraph #1". I can assure you that all information is there. If you are referring to the attachments; they are labeled in Production #6 and attached to the back.

I do not appreciate being referred to as a liar as you implied in your email. I do not appreciate that you indicated that it took me weeks and days to mail things to you. I am not a lawyer, but an accountant. I am doing my best to juggle my family, an ill daughter, a full time job, and trying to represent myself in a legal case. I would appreciate a little bit of consideration and respect. As I told you before, I put the forms in the mail the same day that I processed the Courts paperwork. I am **not** responsible for the US Mail.

Second, as you know, prior to you, I had dealt with Eric, with whom I had tried to schedule two depositions with Mr. Fleming and was told that Mr. Fleming would not be available until January or February. I provided you with three dates and was told by you "Monday's, I don't work" and "Friday you had class". Once again, I chose May 2nd. Now nearly a week has gone by and now that date is not good, because once again your client is not available. This is no longer acceptable. I will not tolerate this anymore. I will not be attending my deposition on April 20th until the Court has ruled on the Protective order because I feel I will not have my chance

4/24/2007

to depose Mr. Fleming before the close of Discovery. I will be sending this Motion to the Court. I will not be deposed until after Mr. Fleming has been deposed. History tells me that the Mr. Fleming's deposition will not ever take place.

Third, in regards to the subpoena; I am requesting limiting the scope of the subpoena to the period of December 23, 2003 to March 1, 2004.

Renee

4/24/2007

From: Renee [Renee@smokinbutz.com]
Sent: Thursday, April 05, 2007 1:25 PM
To: DiBianca, Margaret
Subject: SUSPECT: Deposition
Attachments: Butz Notice of Deposition 2ND MARGARET.DOC

4/24/2007

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RENEE M. BUTZ,

Plaintiff,

v.

LAWNS UNLIMITED LTD. and

EDWARD FLEMING,

Defendants.

Civ. No. 05-495-JJF
Judge Joseph J. Farnan Jr.

NOTICE OF DEPOSITION

TO: Margaret M. DiBianca
Young Conaway Stargatt & Taylor, LLP
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, DE 19801
COUNSEL FOR DEFENDANTS

PLEASE TAKE NOTICE THAT on Monday, April 23, 2007 at 9:00 a.m., at Graver Technologies, 200 Lake Drive, Glasgow, Delaware, 19702 in the 2nd Floor Conference Room, plaintiff shall take the deposition of defendant Edward Fleming and continue thereafter until completed.

Renee M. Butz
58 Hickory Drive
North East, MD 21901
(410) 441-4300
Plaintiff pro se

Dated: _____

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RENEE M. BUTZ,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 05-495-JJF
)	Judge Joseph J. Farnan Jr.
LAWNS UNLIMITED LTD. and)	
EDWARD FLEMING,)	
)	
Defendants.)	

AFFIDAVIT OF SERVICE

I hereby affirm that a true and correct copy of the foregoing Notice of Deposition was sent by first-class United States mail, postage duly paid, on this _____ day of April , 2007, to the following:

Margaret M. DiBianca
Young Conaway Stargatt & Taylor, LLP
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, DE 19801

Renee M. Butz
58 Hickory Drive
North East, MD 21901
(410) 441-4300
Plaintiff pro se

Dated: _____

From: DiBianca, Margaret
Sent: Thursday, April 05, 2007 3:06 PM
To: 'Renee@smokinbutz.com'
Subject: RE: SUSPECT: Deposition

Ms. Butz, I am not available on Monday, April 23 as I do not work in the office on Mondays. Any other day that week, however, would be fine. Please let me know.

Margaret M. DiBianca, Esq.
Young Conway Stargatt & Taylor, LLP
The Brandywine Building
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, DE 19899-0391
Phone: 302-571-5008
Facsimile: 302-576-3476
mdibianca@ycst.com

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4/24/2007

From: DiBianca, Margaret
Sent: Thursday, April 05, 2007 3:28 PM
To: 'RButz@ccgov.org'
Subject: RE: Rule 26 Response

Ms. Butz,

I apologize. I am in Philadelphia for a day-long seminar on the 27th. That is my error entirely. I am available on the 24th-26th and the following week on the 2nd and 3d. This is subject to Mr. Flemings availability, of course.

4/24/2007

From: RButz@ccgov.org
Sent: Friday, April 06, 2007 9:32 AM
To: DiBianca, Margaret
Subject: Deposition
Attachments: Butz Notice of Deposition 2ND MARGARET 2ND REVISED .DOC

Margaret -

Here is the new deposition date. If you like we can have Ed's and mine at the same time and share costs.
Please let me know.

4/24/2007

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RENEE M. BUTZ,

Plaintiff,

v.

LAWNS UNLIMITED LTD. and
EDWARD FLEMING,

Defendants.

Civ. No. 05-495-JJF
Judge Joseph J. Farnan Jr.

NOTICE OF DEPOSITION

TO: Margaret M. DiBianca
Young Conaway Stargatt & Taylor, LLP
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, DE 19801
COUNSEL FOR DEFENDANTS

PLEASE TAKE NOTICE THAT on Wednesday, May 02, 2007 at 9:00 a.m., at Graver Technologies, 200 Lake Drive, Glasgow, Delaware, 19702 in the 2nd Floor Conference Room, plaintiff shall take the deposition of defendant Edward Fleming and continue thereafter until completed.

Renee M. Butz
58 Hickory Drive
North East, MD 21901
(410) 441-4300
Plaintiff pro se

Dated: _____

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RENEE M. BUTZ,

Plaintiff,

v.

LAWNS UNLIMITED LTD. and
EDWARD FLEMING,

Defendants.

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Civ. No. 05-495-JJF
Judge Joseph J. Farnan Jr.

AFFIDAVIT OF SERVICE

I hereby affirm that a true and correct copy of the foregoing Notice of Deposition was sent by first-class United States mail, postage duly paid, on this _____ day of April, 2007, to the following:

Margaret M. DiBianca
Young Conaway Stargatt & Taylor, LLP
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, DE 19801

Renee M. Butz
58 Hickory Drive
North East, MD 21901
(410) 441-4300
Plaintiff pro se

Dated: _____

DiBianca, Margaret

From: DiBianca, Margaret
Sent: Saturday, April 07, 2007 3:21 PM
To: 'Renee@smokinbutz.com'
Subject: RE:

Ms. Butz:

This is in response to both e-mails I received from you today.

In regards to the first, in which you requested an extension to respond to Defendants' Discovery Requests, unfortunately I am unable to extend the deadline for your responses. I will need to have received and reviewed your responses before I can begin to prepare for your deposition, which is scheduled for Friday, April 20. I will have only a short window of time to review your responses as it is, so it would not be possible to extend the deadline.

As to your second e-mail, in which you requested a meeting with you and your father-in-law, I would first ask to what is the meeting regarding? Further, as you know, the Court has clearly ordered Mr. Butz to cease acting as a legal advisor. I cannot see what purpose his presence at a meeting would be other than to act as your legal advisor. Because I cannot violate the Court's Order, a meeting with your father-in-law does not seem appropriate to me at this time. If you can provide me with further information about the topic you wish to discuss, I will be better able to offer an alternative.

During our telephone conversation yesterday, I understood that you would send me a settlement offer as soon as possible and, if at all possible, sometime over the weekend. I do hope to receive your offer soon. If I do not receive your offer by Monday, however, I will have to move forward and file a Motion for a Protective Order to have Mr. Fleming's deposition held at Lawns Unlimited headquarters or, alternatively, at the Young Conaway offices in Georgetown.

As I believe I explained yesterday, it is violative of the Court's Order to conduct the deposition at your father-in-law's place of employ as the only possible reason for this location would be for you to receive his assistance during the deposition. Mr. Butz is permitted to attend only your deposition--he is prohibited from attending the deposition of Mr. Fleming or any other witness. Further, it is the well-settled general rule that, where the parties cannot agree on a suitable location, a corporate officer shall be deposed at the corporation's principal place of business.

You also stated that you would produce the documents currently in dispute and the information requested in my deficiency letter. Should those not be forthcoming by mid-week, I will file a Motion to Compel the production of the documents and information and request that the Court order Plaintiff to pay Defendants' costs, including attorneys' fees, in preparing the Motion.

I sincerely hope that you provide a reasonable settlement offer and that the parties are able to amicably resolve this dispute. However, in the meantime, I am sure you understand that I have no choice but to continue to advocate as though no settlement is forthcoming.

Please contact me should you have any additional questions.

Sincerely,

Margaret M. DiBianca, Esq.
Young Conaway Stargatt & Taylor, LLP
The Brandywine Building
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, DE 19899-0391
Phone: 302-571-5008
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mdibianca@ycst.com

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4/25/2007

message by mistake, please notify us by return e-mail, and then delete this message. Thank you for your cooperation.

4/25/2007

From: Renee [Renee@smokinbutz.com]
Sent: Monday, April 09, 2007 9:33 AM
To: DiBianca, Margaret
Cc: rbutz@ccgov.org; renee@scottbutz.com

Ms. DiBianca:

I am writing in response to your email of April 7, 2007.

First, we need to address our understanding of Judge Farnan's ruling with regards to Michael L. Butz's participation.

The judge ruled that "Michael L. Butz is not precluded from Plaintiff's deposition and other proceedings before the court."

I understand that to mean he can be present at both your deposition of me & others as well as my deposition of Mr. Fleming.

Michael L. Butz has never provided legal advice. He has only provided father-in-law support & common sense reasoning with regards to this case. He is not an attorney.

Second, regarding the Depositions:

I will agree to the time & place of your deposition of me.

In turn, I will expect you to agree to the time & place of my deposition of Mr. Fleming.

Mr. Fleming will be deposed on May 2, 2007 at 9:00AM, at Graver Technologies 200 Lake Drive, Glasgow, DE 19702, second floor conference room.

I chose this location, because I did not have to pay for the conference room.

Michael L. Butz will be present, as per the judge's order, but will not participate.

Third, documents received from the DDOL.

These will be provided with the "Production of Documents" being sent later this week.

Sincerely,

Renee M. Butz

4/24/2007

From: DiBianca, Margaret
Sent: Thursday, April 12, 2007 1:38 PM
To: 'Renee@smokinbutz.com'; 'renee@scottbutz.com'
Cc: 'RButz@ccgov.org'; Yuen, Katherine
Subject: Filings Received

Ms. Butz;

I received two pieces of correspondence from you in the mail today. The correspondence included two envelopes, both postmarked April 9, 2007.

One contained what is supposed to be a copy of your Response to Motion to for JOP and the other appears to be a copy of a Notice of Deposition for Edward Fleming.

As to the first document: This is an **inaccurate** copy of the document you filed with the Court. There is text missing that was contained in the original document. You filed that document (DI 50) on **March 7**, at which time you also submitted a signed Affidavit of Service certifying that you deposited a true and correct copy of the document in the US Mail to my attention. Clearly, this was untrue.

As to the second document: This document also contains an Affidavit of Service dated for **April 5, 2007** (instead of the true date, April 9, 2007), as evidenced by the postmark on the envelope. This document has not been filed with the Clerk of Court and I am unclear as to whether you intend to actually enter it as a filing. As you know, we will not be attending the deposition on May 2nd, as Mr. Fleming will be in Colorado. Additionally, there is a Motion for Protective Order pending regarding the location of the deposition.

Please advise as to the reason for the serious discrepancies in these documents, to which you affixed your certified signature. Why the "copy" of DI 50 is actually not a copy at all, why neither Affidavit of Service is accurate and whether you intend to file the Notice of Deposition.

Margaret M. DiBianca, Esq.
Young Conaway Stargatt & Taylor, LLP
The Brandywine Building
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, DE 19899-0391
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